

**Federal Defenders  
OF NEW YORK, INC.**

Southern District  
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Leonard F. Joy  
Executive Director

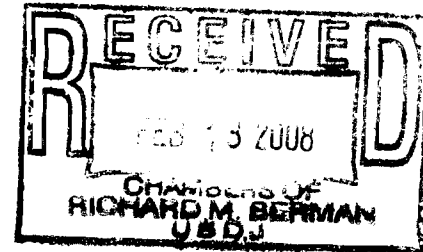
Southern District of New York  
John J. Byrnes  
Attorney-in-Charge

**MEMO ENFORSED**

February 13, 2008

BY FAX

The Honorable Richard M. Berman  
United States District Court  
Southern District of New York  
500 Pearl Street  
New York, New York 10007



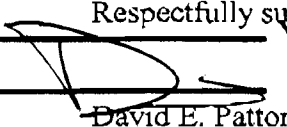

**Re: United States v. Cherdelle Benjamin**  
**07 Cr. 467 (RMB)**

Dear Judge Berman:

I write to request a one week adjournment of tomorrow's scheduled sentencing of my client, Cherdale Benjamin. At the last conference, the Court requested further briefing on the Government's application to impose orders of forfeiture and restitution for the same money relating to the same offense conduct.

In my initial research on this matter, it appears that Ms. Benjamin may have constitutional as well as statutory objections to the Government's proposed orders. The constitutional objections include grounds based on the Double Jeopardy, Due Process and Eight Amendment excessive fines clauses. I would like additional time to further research these issues and to prepare a submission for the Court's consideration.

I left a message with Assistant United States Attorney Benjamin Naftalis regarding this requested adjournment but have not yet received a response.

Adjourned to	Respectfully submitted,
2/26/08 at 9:30 am.	
Defense submission is	David E. Patton
due 2/19/08.	(212) 417-8762
cc: Benjamin Naftalis	
Assistant U.S. Attorney	
<b>SO ORDERED:</b>	
Date: 2-13-08	
	Richard M. Berman, U.S.D.J.

USDC SDNY
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DOC #:
DATE FILED: 2-13-08